

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

KENTON DAWN GREEN
#110532

VERSUS

JUDGE MICHAEL CANADAY

CIVIL ACTION NO. 2:12-cv-639
SECTION P
JUDGE MINALDI
MAGISTRATE JUDGE KAY

MEMORANDUM ORDER

Before the court is the *pro se* civil rights complaint filed in *forma pauperis* by plaintiff Kenton Green on March 7, 2012. At the time plaintiff filed this complaint, he was an inmate in the custody of Louisiana's Department of Public Safety and Corrections (LDOC) and was housed in the Calcasieu Correction Center (CCC), Lake Charles, Louisiana. However, on May 11, 2012, plaintiff filed a notice of change of address [doc. 9] stating that he was no longer at CCC.

On July 20, 2012, documentation sent to plaintiff from the clerk's office was returned to the court with the notation "NTF. Return to Sender." (Doc. 11). The document had been mailed to plaintiff at the last address supplied.

Law and Analysis

Federal Rules of Civil Procedure Rule 41(b) permits dismissal of claims "For failure of the plaintiff to prosecute or to comply with ... any order of court..." The district court also has the inherent authority to dismiss an action *sua sponte*, without motion by a defendant. *Link v. Wabash R.R.Co.*, 370 U.S. 626, 630-31, 82 S.Ct. 1386, 1388-89, 8 L.Ed.2d 734 (1962). "The power to invoke this sanction is necessary in order to prevent undue delays in the disposition of

pending cases and to avoid congestion in the calendars of the [d]istrict [c]ourts.” *McCullough v. Lynaugh*, 835 F.2d 1126, 1127 (5th Cir.1988).

Further, Local Rule (LR) 41.3 provides in part, “The failure of a[]... pro se litigant to keep the court apprised of an address change may be considered cause for dismissal for failure to prosecute when a notice is returned to the court for the reason of an incorrect address and no correction is made to the address for a period of thirty days.” More than thirty days have elapsed since the court’s correspondence was returned.

Therefore,

IT IS RECOMMENDED that plaintiff’s civil rights complaint be **DISMISSED** in accordance with the provisions of FRCP Rule 41(b) and LR41.3.

THUS DONE this 30th day of January, 2013.



KATHLEEN KAY
UNITED STATES MAGISTRATE JUDGE